



California Fair Political Practices Commission

May 28, 1986

Lorraine Magana
City of Sacramento
915 I Street, Room 203
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. I-86-115

Dear Ms. Magana:

This is in response to your April 2, 1986 letter requesting this office to review a legal opinion issued by the City Attorney's Office. That legal opinion was not attached to your letter and was forwarded in your subsequent April 29 correspondence.

In February the city received a request for campaign statements, some dating back to 1981. Your staff spent approximately 29 hours to locate and retrieve these statements. The city attempted to collect a research and retrieval fee from the requestor, but was promptly informed that the Political Reform Act prohibited such an assessment and that you could only charge ten cents per page. Anne Mason of your staff then asked the City Attorney's Office for an opinion on the issue.

Diane B. Balter, a Deputy City Attorney, concluded in a memorandum that no more than ten cents per page could be charged for inspection and reproduction of statements under the Political Reform Act. Her opinion is correct.

Government Code Section 81008 provides in pertinent part that "...No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$.10) per page."

The Political Reform Act was enacted as an initiative measure by a two-thirds vote of the people in 1974. One of the Act's original purposes was to provide that the contributors of

Ms. Lorraine Magana
May 28, 1986
Page 2

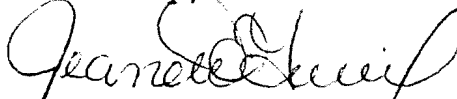
campaign funds should be fully and truthfully disclosed so the voters are fully apprised in making their voting decisions. Once officials are elected, their financial interests are further disclosed so the public is apprised of potential conflicts of interest.

The statements of economic interests and campaign statements should be made readily available to the public without an undue financial burden placed on the requestor.

Section 81009 provides that "After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy." (emphasis added)

You indicated in your letter that your staff expended over 29 hours to retrieve these statements. The Commission is sympathetic to your concerns. We would be happy to meet with your staff to offer suggestions for procedures you could implement to facilitate retrieval of stored statements. As statewide filing officer for many thousands of Statements of Economic Interests filed each year, the Commission has established an inexpensive but very effective system for storage and retrieval of statements dating back 11 years. Jeanne Pritchard of our Technical Assistance and Analysis Division will call you soon to discuss this.

Sincerely,



Jeanette Turvill
Legal Assistant
Legal Division

JT:sm



THE CITY OF

SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

CHARLES G. ABDELNOUR, J.D.
City Clerk, C.M.C.

JUL 23 8 21 AM '86

Office of the
CITY CLERK
236-5450

July 23, 1986

Lorraine Magana
City Clerk of Sacramento
915 I Street, Room 203
Sacramento, CA. 95814

Dear Lorraine:

I have reviewed your request to the FPPC to revise the schedule of compensation allowable under the Political Reform Act for reproduction of campaign statements and statements of economic interest.

We also had a request from the California Commission on Campaign Financing for over 6,000 pages. We regularly receive requests for several hundred pages.

However, while all inactive reports are stored in our Records Center, with our Records Management program index system our research and retrieval cost is very minimal. At the present time, our cost to reproduce a document is less than 10¢ per page, labor included.

Therefore, we could not currently support a move to increase the fee we charge the public. It is our position that we are providing an important public service and until the cost of this public service increases substantially, the current fee schedule is adequate.

Sincerely,

Charles G. Abdelnour
City Clerk

CGA:mc32

cc: Jeanette Turvill, FPPC Legal Division ✓
Lee Martinez, CCAC Legislative Director



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

APR 30 5 04 AM '86

CITY CLERK

LORRAINE MAGANA
CITY CLERK

April 29, 1986

Jeanette E. Turvill, Legal Assistant
Fair Political Practices Commission
Legal Division
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Turvill:

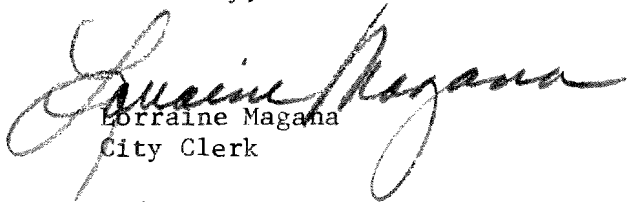
Enclosed is a copy of the legal opinion issued by the City Attorney's office regarding Government Code Section 81008 relating to research fees required when extensive research, retrieval or compiling of information is requested.

This is in response to your letter dated April 23, 1986 requesting the above mentioned information that was not attached to your letter from this office regarding research fees.

We apologize for any inconvenience this may have caused you.

Thank you.

Sincerely,


Lorraine Magana
City Clerk

LM/dbp

enclosure



California Fair Political Practices Commission

April 23, 1986

Lorraine Magana, City Clerk
City of Sacramento
915 I Street,
City Hall, Room 203
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. 86-115

Dear Ms. Magana:

We have received your April 2, 1986, letter requesting written advice concerning your request that we review a legal opinion issued by the city attorney's office.

We will be happy to provide written advice; however, in order to respond to your letter, we will need the additional information listed below. Regulation 2 Cal. Adm. Code Section 18329 (copy enclosed) requires that this information be provided before we can act on your request for advice.

The first paragraph of your letter requests we review a legal opinion which is attached. That opinion was not however attached.

Please provide this information by May 23, 1986, so that we can respond to your letter in a timely manner. If you cannot provide the information by that date, please contact this office. If we do not hear from you by May 23, 1986, we will have to assume that you have withdrawn your request for advice.

When we have received the additional information, your request for advice will be assigned to a member of our staff for review and response. Written advice is generally provided within 21 working days after all pertinent information has been received.

Please contact this office at (916) 322-5901 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, reading "Jeanette E. Turvill", is written over a horizontal line.

Jeanette E. Turvill
Legal Assistant
Legal Division

JET:plh
Enclosure



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

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CITY CLERK

LORRAINE MAGANA
CITY CLERK

April 2, 1986

State of California
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

ATTENTION: Executive/Legal Division

Dear Sir:

SUMMARY

This office is requesting that you review the legal opinion issued by the Attorney's office for the City of Sacramento which is attached. The City of Sacramento has a City Council adopted resolution which allows this office to charge a research fee of \$16.00 per hour when extensive research, retrieval or compiling of information is requested.

BACKGROUND

In the first part of February, Bob Stern, California Commission on Campaign Financing, located at 10951 West Pico Blvd., Los Angeles, called our office and requested campaign statements for successful and unsuccessful candidates since 1981. These records were located in three different storage facilities, two which were off site.

After this office had invested 12 manhours to pull some of the records, a call was placed to Mr. Stern requesting a deposit to cover the retrieval, compiling and copying costs. Mr. Stern informed Anne Mason, Assistant City Clerk, that the Act prohibited the City from charging any fee for retrieval or compiling of material and that only the ten cents for copying per page was allowed under the Act. Mrs. Mason requested a legal opinion from the City Attorney's office regarding the matter.

Upon receiving the legal opinion from the City Attorney's office, Mrs. Mason contacted Mr. Stern and informed him of the decision. He was most obliging in forwarding a deposit for the copying. The project has been completed and a total of 29½ manhours were expended to fulfill the request.

Fair Political Practices Commission

April 2, 1986

Page 2

CONCLUSION

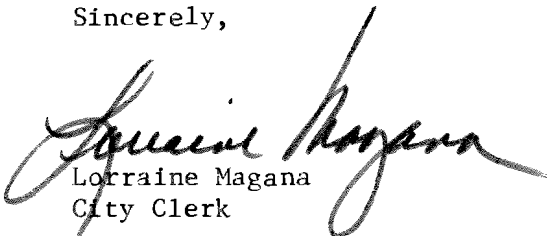
1. If the FPPC legal staff concurs with the legal opinion issued by the Attorney's office for the City of Sacramento:

If your legal staff concurs with the legal opinion issued by the City Attorney's office, this office requests that you explore legislation which would allow a legislative body for a local municipality to adopt fees to recover manhours expended on retrieval or compiling of requested data for campaign statements or conflict of interest statements over and above the ten cent copying charge.

2. If the FPPC legal staff does not concur with the legal opinion issued by the Attorney's office for the City of Sacramento:

If your legal staff does not concur with the legal opinion issued by the City Attorney's office, it is requested that you draft a legal opinion and forward to this office. This office will then notify the City Clerk and County Clerk Associations of the legal opinion.

Sincerely,



Lorraine Magana
City Clerk

LM/dbp



CITY OF SACRAMENTO

DEPARTMENT OF LAW

812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
Assistant City Attorney
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
DIANE B. BALTER
RICHARD E. ANTOINE
TAMARA L. MILLIGAN-HARMON
Deputy City Attorneys

February 25, 1986

MEMORANDUM

TO: Lorraine Magana, City Clerk
Anne Mason, Assistant City Clerk

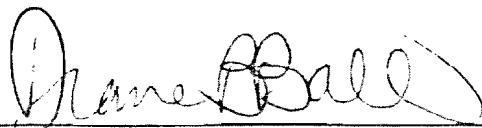
FROM: Diane B. Balter
Deputy City Attorney

RE: Inspection and Reproduction of Campaign Statements
and Statements of Economic Interests

Government Code Section 81008 prohibits charging any fee for inspection or reproduction of campaign statements and statements of economic interest, except ten cents per page for copies provided. This applies to both current and past filings. A research fee over and above the ten cents per page may not be charged.

The standard City policy regarding research fees on citizen requests for public records may not be applied to requests for these particular items.

For your convenience, a copy of Section 81008 is attached.


DIANE B. BALTER
Deputy City Attorney

DBB: rmm

Attachment

§ 81005.2

GOVERNMENT CODE

§ 81005.2 [Repealed by Stats 1979 ch 674 § 1.]

§ 81006. Filing fees

Except as provided in this title, no fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared.

Amended Stats 1985 ch 1183 § 1, effective September 29, 1985.

Amendments:

1985 Amendment: (1) Added "Except as provided in this title."; and (2) deleted ", except that lobbyists may be charged not more than twenty-five dollars (\$25) per year for registration" at the end of the section.

§ 81008. Inspection of reports: Fee for copies

Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding an election held on the first Tuesday after the first Monday in June or November in even-numbered years in the offices of Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County and Registrar of Voters of the City and County of San Francisco.

Amended Stats 1979 ch 531 § 1.

Amendments:

1979 Amendment: Substituted all that part following "5:00 p.m. on the Saturday" for "and Sunday preceding a statewide election" at the end of the section.

Note—Stats 1979 ch 531 also provides: § 7. The amendment effected by this act shall not be construed to deprive any person or public agency of any substantial rights or duty which would have existed or hereafter exists had such amendment not been effected.

§ 8. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (*) or Section 81012 of the Government Code.

§ 81009. Period for retention of campaign reports or statements in connection with election: Microfilming: Public inspection

(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008.

Amended Stats 1979 ch 521 § 2, Stats 1984 ch 390 § 1, effective July 11, 1984; Stats 1985 ch 1183 § 2, effective September 29, 1985.

Amendments:

1979 Amendment: (1) Added the proviso in subd (e); and (2) amended subd (f) by (a) substituting "two years" for "four years" in the first sentence; and (b) adding the second sentence.

1984 Amendment: (1) Deleted "mayors, city council members, county supervisors," after "campaign statements of" in subd (a); (2) added subd (b); and (3) redesignated former subds (b)-(f) to be subds (c)-(g).

1985 Amendment: (1) Deleted "of lobbyists" after "registration statements" in subd (a); and (2) added "instead of the original report or statement or copy" in subd (g).

Note—See notes following § 81008.

§ 81009.5. Filing requirement for local government agency; Ordinances with additional filing requirements

(a) Any local government agency which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the commission.

(b) Notwithstanding the provisions of Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 for

GOVERNMENT CODE

elections held in its jurisdiction until candidates seeking election in the primarily to support or oppose the oppose a local ballot measure which Added Stats 1979 ch 531 § 3; Amended S

Amendments:

1985 Amendment: (1) Added subdivision (a); and (3) added subd (b).

Note—See note following § 81008.

§ 81010. Filing officer's duties

Late filing fees should not be assessed statement is submitted on an incorrect for required information is included and the filed promptly. However, late filing fees sh if unsigned forms are filed. Layton, *Re Los Angeles* 1 FPPC 113 (No. 75-072, Au

Filing officers have discretionary autho

§ 81011. [Repealed by Stats 1985 ch 1200 § 1.]

A public official may determine the va gift by making a reasonable estimate ba faith effort; there is no need to retain the outside appraiser. Cory, *Ken, State Con* 153 (No. 75-094-B, Oct. 23, 1975).

A parking pass received by an official fo official business would be a gift if it is us purposes unrelated to the official's duties. I gift will be determined by the value derive of the pass for personal purposes and t reportable if its value is \$25 or more. Overruled a previous Commission opus Cory—Cory, *Ken, State Controller*, 1 FPPC 047, August 7, 1975). Thomas, *William*, 1 FPPC 30 (No. 76-085, Feb. 1, 1977).

To determine the value of free air tran

§ 81012. Amendment or repeal of title

This title may be amended or repea subdivision (a) is declared invalid, t repealing this title.

(a) This title may be amended to fur entered in the journal, two-thirds of 12 days prior to passage in each house distribution to the news media and to such bills to him or her.

(b) This title may be amended or repe electors.

Amended Stats 1985 ch 1200 § 1.

Amendments:

1985 Amendment: (1) Substituted "subdivision (a) is declared invalid, t repealing this title" for "this title may be amended or repealed"; and (2) amended subd (a) by (a) substituting "12 days" for "10 days".

§ 81013. Additional requirements: Cor Limitations on ordinances imposing additional

A chartered city does not have the aut an ordinance which differs from and super paign finance disclosure provisions of the P Act. A chartered city may, however, ena which imposes additional disclosure requ additional requirements do not prevent o the Act. Miller, *Edwin L., District Attor* FPPC 91 (No. 75-123, June 6, 1976).

Section 87309(c) prohibits code review exceeding the requirements of Section 8730

§ 82002. "Administrative action"